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Mayor

# CITY OF NEWTON, MASSACHUSETTS

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## CONSERVATION COMMISSION

### MEETING MINUTES

February 25th, 2010

Beginning at 7:30 p.m.

City Hall, Room 209

**Meeting called to order at 7:44 p.m.**

**MEMBERS PRESENT:** I. Wallach, Chair, S. Lunin, Vice-chair, N. Richardson, , D. Green, J. Hepburn, R. Matthews, J. Sender

**MEMBERS ABSENT:** D. Dickson

**MEMBERS OF THE PUBLIC:** See attached sign-in sheet

### HEARINGS

**46 Allen Ave. –Beethoven Brook-NOI – CONTINUED TO MAR 25<sup>TH</sup> MEETING.** DPW Maintenance on clogged pipe was followed by excavation of stream channel, then placement of concrete blocks along sides of stream and rip-rap altered stream bank character;

**Report:** Hearing continued to Mar. 25<sup>th</sup>;

**CSX Vegetation Management Plan RDA – CONTINUED TO MAR 25<sup>TH</sup> MEETING.** ROW spraying of herbicides in riverfront and buffer to bank of the Charles River, in bordering vegetated wetlands, and possibly floodzone, and in an area proximal to a public drinking water supply. Awaiting site visit to confirm wetland resource area(s);

**Report:** Hearing continued to Mar. 25<sup>th</sup>;

**134 Vine St., RDA – CONTINUED TO MAR 25<sup>TH</sup> MEETING.** Landscaping in the 100 ft buffer to bordering vegetated wetland. Awaiting revised planting plan;

**Report:** Hearing continued to Mar. 25<sup>th</sup>;

### ADDITIONAL AGENDA ITEMS

**Scenic Roads –** Planning Department has suggested policy for Scenic Roads ordinance and seeks CC input and letter of recommendation.

**Report:** Leslie Burg, former alderman and current member of the Planning Board, was present to present the project. There is a state statute on the books now, but it is vague. Most municipalities have crafted local regulations; this policy would apply to stone walls and tree removal in the right-of-way for the road. If such work were proposed, the Planning Board would have a hearing. New roads can be recommended for scenic status. Most of the ones included in this proposal were nominated/designated in 1973-1974, and often proposed to protect roads from change – such as road-widening plans. The Commission would have the authority to recommend to the Planning Board that a road be designated ‘scenic.’ I. Wallach suggested that when a local ordinance is proposed, it should offer the same protections as the state statute, and that the ordinance should emphasize that the ordinance has no effect on walls, trees, or other features of private property. **Motion by D. Green that the Commission write a letter of support. Second by S. Lunin, with condition that the policy**



**and/or ordinance include a qualifying sentence to Section 3 that the policy/ordinance does not affect private property. Vote: All in favor. Motion passed.** D. Green and S. Lunin volunteered to write the letter.

**\*50-52 Tanglewood Rd.(New)** - As-built and letter received with note that landscaping has not yet been done and "lawn area" not yet stabilized.

**Meeting:** Philip Leung, owner/builder, and Leslie Grover, neighbor and associate, are present to represent the project. The surveyor's letter says that differences include: the house is 5 ft further into the buffer zone and closer to the wetlands, a patio is in the buffer zone, a stone 'retaining' wall adjacent to the house, and a fence partly in the buffer zone, none of which was approved on the Order of Conditions (OOC). The site is not stabilized (landscaping not yet done) and there is some construction debris that needs to be removed (stone), but all the erosion and sediment control has been removed. The yard has a very slight slope down to the wetlands in back.

D. Green suggests a cash security and right of entry so that the Commission can pay the landscaper (K&S Landscaping) to do the work if owner does not. R. Matthews noted there is still time to complete the OOC [before it expires]. I. Wallach said the Commission does not want to be in the business of performing the work. The money needs to be more than the cost of the work to encourage the builder to complete the work, himself. The Commission should not assume the responsibility for doing the work. R. Matthews said the Commission risks that by taking the money. Sr. Planner said the Commission has no authority to require a security, nor to deny it if the applicant asks for it back. The Commission asks owner to agree that if he defaults on the work the security goes to the city. If the owner puts up the security, it will be returned when the stones have been removed and yard has been loamed and seeded to the satisfaction of the Commission. The owner would have a deadline of July 1, else the money reverts to the city. The Commission also wants mitigation plantings to compensate for going beyond the approved work, i.e., house is closer and patio and retaining wall construction. Owner says he can move the patio outside the buffer zone. **Motion by D. Green to issue partial Certificate of Compliance and accepting a security of \$15,000. If the work is completed, including site stabilization by July 31, 2010, the money will be refunded, else the funds will be forfeit and revert to the City of Newton. Mitigation plantings (4 woody plantings to be approved by planner) can be installed or owner can remove patio and stone wall without mitigation. The Commission will have 60 days (from the deadline date of July 31, 2010) to approve the work. Mitigation plantings would have to remain in perpetuity. S. Lunin seconded the motion. Vote: R. Matthews abstained; I. Wallach, D. Green, N. Richardson, J. Hepburn, and S. Lunin voted "aye." Motion passed.** Owner will bring in check for security and Anne will sign off for certificate of occupancy. When partial Certificate of Compliance is issued, owner must record it, and when all work is completed, owner can re-apply for complete Certificate of Compliance.

**\*Taken out of order because applicant waiting to discuss.**

**Countryside School Wetland Boardwalk & Removal of invasive vegetation** – Eric Olsen

**Meeting:** Eric has called to say he is ill and cannot make tonight's meeting. He requested to be on the March meeting agenda.

**Report on change proposed to Sec. 22-22**

**Meeting:** FEMA has issued new maps, and the new dates and some specific wording need to be incorporated into the Watershed/Floodplain Ordinance. Maria Rose has been re-checking all the elevations, and Anne will do the modifications to Sec. 22-22. Members asked if they needed to see the altered wording, but Anne said since none of the meaning will change, members probably would not want/need to review.

**Report on proposed boardwalk at Hammond Pond**

**Meeting:** Anne reported that a family whose son has died is interested in installing a memorial boardwalk at Hammond Pond, where the son used to enjoy fishing. They are in discussion with various city staff, Representative Ruth Balser, the Newton Conservators and MA Department of Conservation and Recreation (DCR). The amount of funds offered for the project, ~\$1M will not be enough to get a boardwalk around the pond (primarily because of legal costs for easements or alternatives).

**Violations:**

**35 Kingswood Rd.** – Will re-check lowbush blueberry bushes spring of 2010;

**15 Harwich Rd.** –Have asked DEP to assist; nothing new.

**34 Farwell St.** –Assessor's check found new house and storage sheds since 2000/2001 with no permits. Owner to remove rear house (partly on DCR property) and 4 storage sheds from lot by March 25<sup>th</sup>.

**46 Farwell St.** – Mitigation activity at Norumbega halted due to cold weather.

**Certificates of Compliance**

**64 Kingswood Rd.** – OOC expired in 2006. As-built and certification letter received. Owner has now removed dock, although some brush piles of trimmed vegetation still on bank.

**Meeting:** The Commission will wait until the brush pile is removed to issue the COC.

**Announcements & General Business:**

**Open Space Plan** – considerations and member to work on committee and with Conservators?

**January 28th, 2010 Meeting Minutes** for approval;

**Meeting:** Jane Sender noted her name was left off the minutes for last month, although she attended. **Motion by S. Lunin to approve minutes as modified. Second by N. Richardson. Vote: J. Hepburn and D. Green abstained; I. Wallach, N. Richardson, S. Lunin, and R. Matthews voted "aye." Motion passed.**

**Regular Commission agenda concluded at 9:15.**

**Management Plan Discussion**

Next Management Planning meeting to be scheduled for March 22<sup>nd</sup>, at 6:00 p.m.

Meeting concluded at 10.25 p.m.

Anne Phelps, Sr. Environmental Planner

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